



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
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March 23, 2018

By ECF

Hon. Katherine B. Forrest
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Ross William Ulbricht*, 14 Cr. 68 (KBF)

Dear Judge Forrest:

The Government respectfully makes this submission in response to this Court's March 1, Order asking the Government if it is "know[s] of any reason why" the Defendant's request for access to sealed court files "should not be granted." (ECF No. 325).

To begin, the Government is not certain that it has a complete understanding of the universe of sealed documents filed under No. 14 Cr. 68. In part, this is because the Government believes several of the sealed documents at issue were likely filed by the defense *ex parte*, and thus are beyond the purview of the Government. Because they were filed by the defense in the first instance, the Government has no objection to the Court permitting the defense access to a copy of any such sealed documents. However, if the reason for which the defenses' filings were made under seal and *ex parte* no longer warrant such treatment, the Government would respectfully request that those docket entries be unsealed and filed publicly.

With regard to filings under seal that may have been made by the Government in this matter, in its review of its case file, the Government has identified two categories of such filings: (1) filings that related to the Northern District of California investigation and prosecution of Carl Force, which the Government believes were previously unsealed; and (2) filings that related to the "Silk Road 2.0" investigation, and the identity of an undercover agent, which the Government believes no longer need to be sealed, to the extent they are still under seal.¹ To the extent that the Court has in its possession sealed filings made by the Government that fall outside

¹ The Government notes that, although it has dates for its filings, they do not precisely match up with the dates of docketing of sealed entries. Accordingly, it cannot determine definitely from the list of docket numbers for sealed entries which documents fall into the above categories.

of these two categories, the Government respectfully requests in an abundance of caution the opportunity to review any such filings prior to consenting to their being either provided to the defense, or publicly docketed.

Respectfully submitted,

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